

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 313 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as amended, Padilla. Pupils: English learners: assessment.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils ~~upon initial enrollment~~ in order to determine the level of proficiency of those pupils ~~and thereafter to assess each of those pupils annually until the pupil is redesignated as English proficient.~~ The assessment primarily consists of the administration of the California English Language Development Test (CELDT) that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking. *Existing law requires that the assessment be conducted upon initial enrollment, and annually thereafter during a period of time determined by the Superintendent of Public Instruction and the State Board of Education, until the pupil is redesignated as English proficient.*

This bill would require the annual assessment to be conducted during a 3-month test period commencing with the day upon which 65% of the instructional year is completed, *and would provide that these provisions, as well as the provisions requiring an initial and annual assessment, would not be implemented until the current test publisher's contract expires.* ~~The bill would require the State Department of Education to provide the score a pupil achieves on the CELDT to the parent or guardian of the pupil in English and, if available, in the~~

language reported on the home language survey. The bill would require that the score be provided in a format that utilizes terminology that is easy to understand and includes an explanation of the purpose of the test, the pupil's score, and the intended use of that score by the school district.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 313 of the Education Code is amended
2 to read:
- 3 313. (a) Each school district that has one or more pupils who
4 are English learners shall assess the English language development
5 of each pupil in order to determine the level of proficiency for the
6 purposes of this chapter.
- 7 (b) The department, with the approval of the state board, shall
8 establish procedures for conducting the assessment required
9 pursuant to subdivision (a) and for the reclassification of a pupil
10 from English learner to English language proficient.
- 11 (c) (1) The assessment shall be conducted upon initial
12 enrollment and annually thereafter during a three-month test period
13 commencing with the day upon which 65 percent of the
14 instructional year is completed. Annual assessments shall continue
15 until the pupil is redesignated as English proficient. The assessment
16 primarily shall utilize the English language development test
17 identified or developed by the Superintendent pursuant to Chapter
18 7 (commencing with Section 60810) of Part 33 of Division 4 of
19 Title 2. ~~The department shall provide the score a pupil achieves~~
20 ~~on the English language development test to the parent or guardian~~
21 ~~of the pupil in English and, if available, in the language reported~~
22 ~~on the home language survey. The score shall be provided in a~~
23 ~~format that utilizes terminology that is easy to understand and~~
24 ~~includes an explanation of the purpose of the test, the pupil's score,~~
25 ~~and the intended use of that score by the school district.~~
- 26 (2) *This subdivision shall not be implemented until the current*
27 ~~test publisher's contract expires.~~
- 28 (d) The reclassification procedures developed by the department
29 shall utilize multiple criteria in determining whether to reclassify

1 a pupil as proficient in English, including, but not limited to, all
2 of the following:

3 (1) Assessment of language proficiency using an objective
4 assessment instrument, including, but not limited to, the English
5 language development test that is developed or acquired pursuant
6 to Section 60810.

7 (2) Teacher evaluation, including, but not limited to, a review
8 of the pupil's curriculum mastery.

9 (3) Parental opinion and consultation.

10 (4) Comparison of the performance of the pupil in basic skills
11 against an empirically established range of performance in basic
12 skills based upon the performance of English proficient pupils of
13 the same age, that demonstrates whether the pupil is sufficiently
14 proficient in English to participate effectively in a curriculum
15 designed for pupils of the same age whose native language is
16 English.

17 (e) This section does not preclude a school district or county
18 office of education from testing English learners more than once
19 in a school year if the school district or county office of education
20 chooses to do so.